

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/772,664	OHASHI, KAZUHITO	
	Examiner	Art Unit	
	James A. Thompson	2625	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 37-40 and 48-61.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/JAT/

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 09 August 2007 have been fully considered but they are not persuasive.

Arimoto (USPN 5,371,613) teaches an adjustment unit, as set forth on page 3, lines 5-11 of the previous office action (mailed 12 June 2007), which performs many of the recited functions. By combination with Orito (USPN 6,072,912), Arimoto in view of Orito teaches that there are a plurality of said adjustment units which perform many of the recited functions [see page 4, lines 8-21 of said previous office action]. Claim 37 recites that the plurality of adjustment units (not the adjustment setting unit, as mentioned by Applicant on page 3, lines 15-18 of Applicant's arguments – see also page 3, lines 8-10 of Applicant's arguments) operates to match the linearity of the plurality of channels to a common linearity. This limitation, as Applicant notes and Examiner has admitted, is not taught by Arimoto in view of Orito. However, this limitation is taught by the combination of Arimoto in view of Orito and Holub (USPN 6,043,909), as specifically set forth in said previous office action. In column 20, lines 10-19 of Holub, as cited in said previous office action, the coefficients for converting the coordinates of a color space, such as an RGB color space, are set so as to scale the color gamut to a Uniform Color Space, such as the CIE Lab color space. Thus, the plural color channels taught by Arimoto in view of Orito are adjusted so that the linearity of said plural color channels is matched to a common linearity. To give an example, for an RGB color space, the coefficients are set so that the Red, Green and Blue values are scaled to a CIE Lab color space. The Red, Green and Blue values are thus properly scaled so as to provide a properly generated Lightness value in the CIE Lab color space. The chromatic  $a^*$  and  $b^*$  values also require a proper scaling among the Red, Green and Blue values for proper conversion.

By combination with Arimoto in view of Orito, a plurality of channels of the *image sensor* will be matched to a common linearity. Arimoto teaches an image sensor which reads out image signals from a plurality of photoreceptive pixels via an output channel (see column 4, lines 53-58 of Arimoto). Orito discloses separately outputting image signals of a plurality of photoreceptive pixels via a plurality of output channels (column 5, lines 9-14 of Orito). By transferring the image data in parallel (column 5, lines 9-14 of Orito), a plurality of output channels are used to separately output image signal of the plurality of photoreceptive pixels. By combination, the recited image sensor is taught. Actually, an alternate embodiment of Arimoto also fully teaches an image sensor which separately reads out image signals from

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a plurality of photoreceptive pixels via a plurality of output channels (see, *e.g.*, column 19, line 61 to column 20, line 7 of Arimoto). So, either way, the claimed image sensor is taught by the cited prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson  
Examiner  
Technology Division 2625

/JAT/  
14 August 2007



DAVID MOORE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600